

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION

Kevin Turner and Shawn Wooden,
*on behalf of themselves and
others similarly situated,*

Plaintiffs,

v.

National Football League and
NFL Properties LLC,
successor-in-interest to
NFL Properties, Inc.,

Defendants.

THIS DOCUMENT RELATES TO:
ALL ACTIONS

No. 2:12-md-02323-AB

MDL No. 2323

Hon. Anita B. Brody

Civ. Action No. 14-00029-AB

**DECLARATION OF DAVID A. ROSEN IN RESPONSE TO CO-LEAD CLASS
COUNSEL'S PROPOSED ALLOCATION OF COMMON BENEFIT ATTORNEYS'
FEES, PAYMENT OF COMMON BENEFIT EXPENSES, AND PAYMENT OF
CASE CONTRIBUTION AWARDS TO CLASS REPRESENTATIVES**

DAVID A. ROSEN declares as follows pursuant to 28 U.S.C. § 1746:

1. I am a former partner of the law firm of Rose Klein & Marias LLP. I was appointed a Judge of the Los Angeles Superior Court where I have sat since March 1, 2016. I submit this declaration in response to the Declaration of Christopher A. Seeger in Support of Proposed Allocation of Common Benefit Attorneys' Fees, Payment of Common Benefit Expenses, and Payment of Case Contribution Awards to Class Representatives. I have personal

knowledge of the matters set forth in this declaration and, if called upon, I could and would testify competently thereto.

2. As detailed in my previously filed December 22, 2016 Declaration as well as the Declaration of Christopher A. Seeger filed on October 10, 2017, I was a member of the Plaintiffs Steering Committee, an active member of the Communications Sub-Committee, and chair of the Workers' Compensation Committee. I also served on the Lien and Ethics Sub-Committees.

3. With respect to the Workers' Compensation Committee, for the common benefit of the plaintiffs and their counsel, I researched and prepared a memorandum as to the way in which the different workers' compensation laws and systems of the 50 states consider and handle professional athlete's claims in general, and brain trauma claims specifically. This included research into Workers' Compensation statute of limitation issues as well as researching whether each state would theoretically award workers' compensation benefits for cumulative trauma, as opposed to specific injuries. I also studied the interface between workers' compensation and civil or third party actions, which was complicated by the issue of joint employment and varied from state to state. This memorandum and research contributed substantially to each plaintiff's counsel's decision-making, strategy, and understanding of potential issues. Additionally, I researched the issue of venue and what was required by each state concerning the connection between the employee and the state where the injury occurred. My research on these issues, especially the legal definition of *employment*, inured to the common benefit of plaintiffs and their counsel.

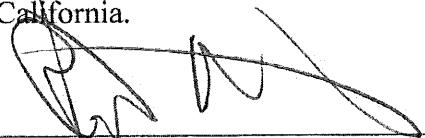
4. Further to the common benefit of plaintiffs and their counsel, specifically in my role with the Communications Committee, I actively participated in the selection of and consultation with our professional consultants, and helped prepare individual claimants for

public relations activity. I worked with the public relations firm CLS Strategies and communicated closely with Ray De Lorenzi and others of that firm in assessing and developing strategies as well as finding and briefing potential speakers and sources for the media.

5. I have reviewed the Declaration of Christopher A. Seeger submitted on October 10, 2017 wherein Rose, Klein, & Marias LLP is assigned a multiplier of "1" for the work conducted with respect to this matter. However, for the reasons stated above and the import of the research, communications, and writings that I provided, I respectfully request that this Court, in its sound discretion, assign Rose, Klein & Marias LLP a multiplier of "1.5" for the attorney's fees incurred in this matter.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 26, 2017, at Los Angeles, California.



David A. Rosen